

VZCZCXYZ0003
PP RUEHWEB

DE RUEHKV #0401/01 0521216
ZNY CCCCC ZZH
P 211216Z FEB 08
FM AMEMBASSY KYIV
TO RUEHC/SECSTATE WASHDC PRIORITY 5013
INFO RUCNCIS/CIS COLLECTIVE
RUEHZG/NATO EU COLLECTIVE

C O N F I D E N T I A L KYIV 000401

SIPDIS

SIPDIS

E.O. 12958: DECL: 02/15/2018
TAGS: [PGOV](#) [PHUM](#) [PREF](#) [UP](#)
SUBJECT: UKRAINE: UNHCR APPEALS FOR RELEASE OF CHECHEN

REFUGEE

Classified By: Deputy Chief of Mission Jim Pettit for reasons 1.4 (b) a
nd (d).

¶1. (U) This is an action request - See paragraph 3.

¶2. (C) Summary. The UNHCR informed the Embassy about its appeal to President Yushchenko to prevent the extradition of Chechen Refugee Lema Susarov to Russia and to release him from detention so that he can be resettled to Finland. Susarov, who was detained by Ukrainian authorities in July 2007, remains in detention despite having refugee status from the UNHCR and Finland. Human rights groups have expressed concern that he would be secretly deported to Russia where they allege he could be tortured. UNHCR Kyiv, which told us it has found no reason to believe he is connected with terrorism, told us that it would welcome Embassy support in getting him released and resettled. End Summary

¶3. (C) Comment and Request for Guidance. UNHCR has kept us up to date on developments since Susarov was detained last year, but this is the first time it expressed interest in our involvement. The fact that Susarov remains in detention despite having refugee status and a third resettlement country indicates to us that there is a real possibility of refoulement. He has been in detention for seven months and, according to the UNHCR, no time limits have been set and his health is a serious concern. His open-ended detention, reported health problems, and possible forced deportation to Russia are all significant human rights concerns. Embassy requests Department concurrence for us to demarche the Ukrainian Government in order to support his release and resettlement. Such an action would allow us to formally register our concern about the case now and also put us in a position to take a more forceful stand if Susarov is refouled. Suggested demarche points follow in paragraph seven. End Comment and Request for Guidance.
UNHCR Appeals to Yushchenko

¶4. (C) The UNHCR representative office in Kyiv sent a letter to President Yushchenko January 29 requesting that Chechen refugee Lema Susarov not be extradited to Russia, that he be released from detention where he has been held for over seven months, and that he be allowed to resettle in Finland where he has been recognized as a refugee. UNHCR Kyiv informed us of its letter on February 6 and said it would welcome the Embassy's support in engaging the GOU to encourage his release and resettlement to Finland.

Detained in July 2007, Has UNHCR Refugee Status

¶5. (C) Susarov, who is an ethnic Chechen refugee from Russia, was detained by Ukrainian authorities on July 20, 2007, and the Prosecutor General's Office (PGO) approved his

extradition on July 27 at the request of the Russian Federation on charges of robbery. His lawyer claimed he was subjected to violent abuse while detained. On July 28, Ukraine's Human Rights Ombudsman Nina Karpachova requested that the PGO stop Susarov's extradition and hold a hearing. Susarov, who had been recognized as a refugee by the UNHCR in Azerbaijan in 2006, registered as an asylum seeker with the Kyiv City Migration Service on August 6. The court issued a ruling on September 28 that stayed Susarov's extradition and he remains in detention to this date. UNHCR Kyiv determined Susarov's refugee status on August 22 and Finland recognized him as a refugee and offered resettlement to him in October 2007. On January 15, 2008 the State Committee on Nationalities and Religion rejected his asylum application. He is currently appealing this decision and remains in detention.

¶16. (C) According to internet media sources, Susarov is accused of an armed robbery involving international phone cards. NGO European Wave alleged on its website that Susarov is related to a member of the Chechen resistance and that Russian authorities want to detain Susarov in order to pressure his relatives. UNHCR said it could not confirm either story since it was not authorized by Susarov's lawyers to discuss details of the case except with the State Committee on Nationalities and Religion. However, UNHCR Kyiv's deputy confirmed in a meeting with Emboff in October 2007 that UNHCR did not believe that Susarov was involved in terrorist activities. In a follow-up discussion, a visiting UNHCR protection officer on February 11 explained that UNHCR normally conducts an "exclusion analysis" and determined he should not be excluded from refugee status. Additionally, she pointed out that both UNHCR Kyiv and Finland granted him refugee status, which indicated that they were confident that he was not a terrorist. As for the criminal charges, UNHCR Kyiv noted that he had been accused, not convicted, of the

armed robbery charges and even if found guilty, UNHCR would object to deportation to a country where he could be subjected to human rights abuses. The RSO at Post conducted an independent background check, with input from Embassy Moscow, and found no derogatory information.

HR Groups Fear Secret Deportation and Torture in Russia

¶17. (C) Human rights groups have protested the planned forcible return of Susarov. UNHCR Kyiv urged in its letter to President Yushchenko that Ukraine respect its international obligation to the principle of non-refoulement and expressed concern that the government had disregarded his status as a refugee by Finland and under the UNHCR mandate. It noted that the time in detention has been lengthy and Susarov's health and lack of access to medical treatment is a source of concern. Human rights groups including the Amnesty International in Ukraine, the Helsinki Human Rights Group, and the No Border Initiative expressed concern in October 2007 about a planned secret deportation to Russia where they feared he would be in danger of torture.

Proposed Demarche

¶18. (C) We suggest the following text for a demarche to be delivered to the Ministry of Foreign Affairs. Begin points:

- We would like to bring the case of a Chechen refugee, Mr. Lema Lichaevych Susarov, to your attention. He is currently seeking asylum in Ukraine and is the subject of extradition proceedings between Ukraine and the Russian Federation.

- According to the UNHCR representation in Kyiv, Mr. Susarov applied for asylum on August 6, 2007, and on January 15, 2008 the State Committee for Nationalities and Religion rejected his application. Mr. Susarov is a refugee under the UNHCR mandate and was recognized as a refugee by Finland in 2007, where he was offered resettlement.

- We urge the Government of Ukraine to take into account the fact that the UNHCR has determined that Mr. Susarov is a refugee and that he has been offered resettlement in Finland

- We would like to point out that extraditing Mr. Susarov to the Russian Federation would amount to a breach by Ukraine of the principle of non-refoulement.

- We ask that your government not extradite Mr. Susarov to the Russian Federation, in line with Ukraine's obligations under international law, and release him from detention so that he may resettle to Finland where he has been recognized as a refugee.

End Demarche Points

¶9. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.

Taylor